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09/873,001	06/01/2001	Richard G. Moore	CDR00007	3124

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EXAMINER

KESACK, DANIEL

ART UNIT	PAPER NUMBER
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3691

NOTIFICATION DATE	DELIVERY MODE
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10/06/2008

ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

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Office Action Summary	Application No. 09/873,001	Applicant(s) MOORE ET AL.	
	Examiner Daniel Kesack	Art Unit 3691	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 25 August 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 29-50 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 29-50 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. Per Examiner's conversation with Mr. Errol Krass on September 23, 2008, this office action corrects the typographical error in the statement of rejection under 35 U.S.C. 103(a) in the final action mailed June 25, 2008. The correction has been made in response to the amendment after final August 25, 2008. The action has been updated to include considerations of the amendments and arguments submitted therewith. Applicant's amendments and arguments have been entered and fully considered. Claims 29-50 are currently pending. The rejections are as stated below.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claim 29 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Specifically, it is unclear what Applicant considers to be the "user account information". The claim recites "each user profile specifying user account information identifying the prepaid services of a plurality of the prepaid service providers." According to Applicant's specification, the only user account information which is stored in profiles and may be considered identifying prepaid services, is

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described in paragraph 46, "The customer profiles and prepaid online account of the customers of the outside system operators are stored within databases 130, 140a, 150a, 160a, 170a, 175a of the open network architecture system 100." Since database 130 is the only user profile database, and this database contains name, PIN, account number, payment information, and contact information, it can only be assumed that the "user account information identifying prepaid services" must be the account number of the customer of the outside operator. This account number is the only account information which is stored in a user profile and relates to prepaid services. However, there is no description in the specification of the web portal being "configured to transmit the" account number of outside operator, and so Examiner is unable to determine what the account information could be.

Examiner has also considered that the user account information related to the prepaid services could be the usage information, as described in paragraph 40. However, according to the specification, this information is stored in one of databases 175a, 170a, 150a, 140a, and 160a, and not in the customer profile database. As such, the account information is unclear.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

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(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148

USPQ 459 (1966), that are applied for establishing a background for determining

obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

6. Claims 29-41 are rejected under 35 U.S.C. 103(a) as being unpatentable over

Domenikos et al., U.S. Patent Application Publication No. 2001/0047386, in view of

Anderson, U.S. Patent Application Publication No. 2002/0091572.

Claim 29, Domenikos discloses a system and method for supporting online delivery of communication services, comprising:

a web portal configured to present information relating to a plurality of prepaid services offered by different prepaid service providers (paragraphs 8, 10, 11);

a database configured to store a plurality of user profiles, each user profile specifying user account information identifying the prepaid services of a plurality of the prepaid service providers (paragraphs 26, 29, 56);

wherein the web portal is configured to receive from the user a selection of one or more of the prepaid services identified in the transmitted account information (paragraphs 26, 27).

Domenikos fails to teach the web portal is configured to transmit the account information stored in a user profile to a respective user.

Anderson teaches transmitting account information related to prepaid service accounts to the user (paragraph 29). It would have been obvious to one of ordinary skill in the art at the time of the Applicant's invention to modify the teachings of Domenikos to include transmitting balance and usage information to the user because it is desirable that the user be able to check the balance of any account. The balance and account checking feature is a known element, and the results of including a balance and account checking feature into the invention of Domenikos are predictable.

Claim 30, Domenikos teaches the web portal is configured to support offering any one of the prepaid services to any one of a plurality of users (paragraph 26).

Claim 31, Domenikos teaches the web portal is maintained by a system operator having a customer that is one of a plurality of users (paragraphs 8, 30).

Claim 32, Domenikos teaches another system operator has a customer that is one of the users (paragraph 11), wherein the other system operator is an online retailer or Internet Service Provider.

Domenikos fails to teach the other system operator compensating the system operator for use of the web portal.

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Official Notice is taken that referral commissions are old and well known in the art. It would have been obvious to one of ordinary skill in the art at the time of the Applicant's invention to modify the teachings of Domenikos to include the portal operator receiving a commission for services sold through the portal because such a commission provides a revenue stream for the portal operator.

Claim 33, Domenikos teaches the web portal is configured to provide users with real-time management of accounts for the prepaid services (paragraphs 10, 11).

Claims 34, 35, Domenikos teaches a plurality of users are each assigned a unique identifier for accessing the web portal, wherein the unique identifier is a PIN (paragraph 8).

Claim 36, Domenikos teaches the information relating to the prepaid services includes payment information (paragraphs 48-52).

Claim 37, Domenikos teaches the web portal is further configured to initiate a payment verification process for the prepaid services (paragraph 28).

Claim 38, Domenikos teaches wherein the plurality of prepaid services includes prepaid paging, and prepaid cellular (paragraph 24).

Claim 39, Domenikos fails to teach bundled-service packages.

Anderson teaches the web portal presents the prepaid services as a bundled-service package (paragraph 29). It would have been obvious to one of ordinary skill in the art at the time of the Applicant's invention to modify the teachings of Domenikos to include presenting the prepaid services as a prepaid bundled-service package because the web portal provides convenience for maintaining multiple accounts, and presenting them as such a package would be appropriate marketing for the package that Domenikos offers.

Claim 40, Domenikos teaches the transaction conducted by the user is conducted via credit card.

Official Notice is taken that credit card fraud detection systems are old and well known in the art. Credit card companies employ their own fraud detection systems, and will reject transactions that are flagged as suspicious. Furthermore, credit card transactions over the internet often require the input of special code printed on the card itself. Such methods were known at the time of Applicant's invention. It would have been obvious to one of ordinary skill in the art at the time of the Applicant's invention to modify the teachings of Domenikos to include the fraud detection techniques commonly associated with credit card transactions because it is always desirable to increase the security of a transaction when dealing with electronic transactions.

Claim 41, Domenikos teaches purchasing additional units of prepaid services (paragraph 26), and storing information about purchased telecommunications services within a database (paragraph 29), but fails to teach providing the usage information.

Anderson teaches transmitting account information related to prepaid service accounts to the user (paragraph 29). It would have been obvious to one of ordinary skill in the art at the time of the Applicant's invention to modify the teachings of Domenikos to include transmitting balance and usage information to the user because it is desirable that the user be able to check the balance of any account. The balance and account checking feature is a known element, and the results of including a balance and account checking feature into the invention of Domenikos are predictable.

7. Claims 42-48 are rejected under 35 U.S.C. 103(a) as being unpatentable over Anderson, in view of Domenikos.

Claim 42, Anderson discloses a prepaid service interface system and method comprising a web portal (figure 1) configured to present information relating to a plurality of prepaid services offered by a prepaid service provider (paragraphs 29, 30), and a database (figure 2) configured to store a plurality of user profiles, each user profile specifying user account information relating to the prepaid services for presentation to one of the users according to the respective user profile (paragraph 33). Anderson inherently teaches receiving a selection of one of the prepaid services input by the user because Anderson teaches the system having access to a plurality of prepaid services

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accounts, and a user performing an inquiry on a specific account (paragraphs 29 and 33). In order for a user to perform an inquiry on a specific account among a plurality of accounts, the user must inherently select a specific account.

Anderson fails to teach the plurality of services being offered by a plurality of service providers.

Domenikos teaches a system and method for delivery of services to a consumer from a plurality of different vendors. It would have been obvious to one of ordinary skill in the art at the time of the Applicant's invention to modify the teachings of Anderson to include multiple vendors, as described by Domenikos because the claimed invention is merely a combination of old elements, and in the combination each element would have performed the same function as it did separately, and one of ordinary skill in the art would have recognized that the results of the combination were predictable. Furthermore, Domenikos teaches the desirability of scaling a service provider's distribution channel to include many vendors (paragraphs 3, 4).

Claim 43, Anderson teaches the information relating to the prepaid services includes payment information (paragraph 40).

Claims 44, 47, Anderson teaches the web portal initiating payment verification, and using a PIN, wherein the use of a PIN is considered a fraud detection system (paragraph 36).

Claim 45, Anderson teaches the plurality of prepaid services includes telephone service (paragraph 30).

Claim 46, Anderson teaches the web portal presents the prepaid services as a bundled-service package (paragraph 29).

Claim 48, Anderson teaches the web portal provides usage information for the prepaid services and supports purchase of additional units of prepaid services (paragraphs 30, 31).

8. Claim 49 is rejected under 35 U.S.C. 103(a) as being unpatentable over Anderson, in view of Mackenthun, U.S. Patent No. 5,969,318.

Claim 49, Anderson discloses communicating with a plurality of databases that include a first prepaid database supporting a prepaid service, and a second prepaid database supporting a prepaid service, and presenting via a web interface, the prepaid services as bundled services (figure 3, paragraphs 29 and 30).

Anderson fails to teach the prepaid services are from different service providers.

Mackenthun discloses a method and apparatus for accessing information wherein a portal is configured to present information relating to a plurality of services offered by a plurality of service providers. It would have been obvious to one of ordinary skill in the art at the time of the Applicant's invention to modify the teachings of

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Anderson to include the information organization a retrieval system as taught by Mackenthun because Anderson teaches using a prepaid card to select a service from plurality of services, and Mackenthun teaches a way to obtain information from multiple service providers for the purpose of creating a card which is usable for all service providers, which would be desirable because a user would not have to carry a different card for each service managed through the interface taught by Anderson.

9. Claim 50 is rejected under 35 U.S.C. 103(a) as being unpatentable over Anderson and Mackenthun, as applied above, and further in view of Bellosguardo, U.S. Patent No. 7,222,097.

Anderson and Mackenthun fail to teach the service provider compensating the interface operator.

Bellosguardo discloses a method of selling prepaid card which are usable for purchasing a variety of goods and services, wherein a service provider compensates the card issuer when a customer uses the card issuer's service to complete a transaction with the service provider using the prepaid card (column 2 line 45 – column 3 line 4). It would have been obvious to one of ordinary skill in the art at the time of the Applicant's invention to modify the teachings of Anderson and Mackenthun to include providing commission to the operator of the prepaid service interface because the issuer who issues prepaid cards for third parties would desire to derive a revenue stream from providing such a service.

Response to Arguments

10. Applicant's arguments with respect to claims 29-48 have been considered but are moot in view of the new grounds of rejection.

11. Applicant's arguments with respect to claims 49 and 50 have been fully considered but they are not persuasive.

Applicant argues that there is no teaching suggestion or motivation to combine Anderson and Mackenthun. KSR forecloses Applicant's argument that a specific teaching is required for a finding of obviousness (KSR, 127 S.Ct. at 1741, 82 USPQ2d at 1396). Examiner has asserted that there is desirability in the convenience of being able to manage multiple accounts at a single portal. Furthermore, the elements of the claimed invention were known at the time of Applicant's invention, and the results of the combination are predictable to one of ordinary skill in the art, in that the system of Anderson would be able to manage accounts from multiple service providers. Therefore, Examiner maintains that the references are combinable.

12. Applicant's arguments filed August 25, 2008 have been fully considered but they are not persuasive.

The rejection of claim 29 under 35 U.S.C. 112, second paragraph stands. As cited in the Office Action dated June 25, 2008, it is unclear what information Applicant considers to be "user account information identifying the prepaid services of a plurality of the prepaid service providers". Reading the claim language in light of the specification, Examiner is unable to determine how this information is embodied, or what form this information takes. Examiner explained the rationale behind the interpretation that the user account information can only be assumed to be an account number (see 6/25/08 Office Action, page 2-3). Applicant has expressed that the claimed "information identifying prepaid services" is broader than the interpretation given by Examiner, however Applicant has not provided an alternate interpretation, nor provided support from the specification which refutes Examiner's interpretation. Examiner is unable to determine what information identifies the prepaid services, and how such information is able to do so. As best understood, Applicant's arguments allege that there is a specific piece or pieces of information in each profile which identifies a prepaid service, in that the information stored in the profile uniquely identifies to which prepaid service the profile is related. Examiner respectfully requests that Applicant clarify what piece or pieces of information is being referred to as the "user information", and provide support for such an interpretation.

Regarding Applicant's argument that Anderson and Domenikos fail to teach a database configured to store a plurality of user profiles, Applicant's arguments repeat the allegation that neither reference teaches "user account information identifying the

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prepaid services of a plurality of the prepaid service providers”, and furthermore that the references fail to teach a database configured to store said profiles, transmitting said information to the user, and receiving a request for said information. In light of the rejection under 35 U.S.C. 112, second paragraph, above, the references teach the claimed limitation as best understood by Examiner, given its broadest reasonable interpretation.

13. Regarding Applicant’s argument that Anderson and Domenikos fail to teach the limitations of claim 42, Examiner notes that one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986).

The rejection of the claims is based on the combination of the teaches of two references. The references and how they are combined will be explained in general. Support for such interpretations can be found through the references, as cited in the rejections of the various claims.

Anderson teaches a prepaid service interface system for interfacing with a service provider who provides multiple services to a user (wireless, telephone, calling cards). The service provider maintains different accounts for each user, one for each service provided by the service provider because each account has a different balance. Since the service provider offers all of these services within a single interface, it is considered a bundled package offering. Domenikos provides for a single interface for

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interacting with a plurality of service providers offering services. Domenikos teaches methods of interacting with the plurality of service providers through the interface. Domenikos teaches methods of maintaining information about each account for each of the plurality of services offered. The resulting combination would be the system of Anderson for providing a single interface to access a plurality of services, which contains different accounts for each user, and like Domenikos, one for every service of every service provider with which the user maintains an account. As a result of the combination, where it is shown that Anderson teaches retrieving a profile of a single account, and knowing that Domenikos teaches retrieving information from multiple accounts from different providers, it can be said that the combination teaches retrieving a profile for a user, the profile specifying user account information corresponding to one or more of the prepaid services of each of the plurality of prepaid service providers, as recited in claim 42, for example.

Regarding claim 42, as cited in the rejection, Anderson teaches receiving a request from a user for information regarding a plurality of prepaid services. While Applicant alleges that Anderson relates to a single prepaid service, Examiner respectfully disagrees. Anderson discloses the system is used to acquire access to prepaid services (abstract). The services include prepaid telephone and prepaid wireless services, for example, and have different payment accounts and balances associated therewith (paragraphs 29 and 30). Anderson fails to teach only that the

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prepaid services are of a plurality of prepaid service providers, which is provided by Domenikos.

Conclusion

14. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Daniel Kesack whose telephone number is (571)272-5882. The examiner can normally be reached on M-F, 9:00am-5:00pm.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Alexander Kalinowski can be reached on 571-272-6771. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Respectfully Submitted,

Daniel Kesack
September 23, 2008
/D. K./
Examiner, Art Unit 3691

/Hani M. Kazimi/
Primary Examiner, Art Unit 3691